
Introduced by Senator Kuehl

February 18, 2005

An act to add and repeal Section 22368 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 466, as introduced, Kuehl. Mobile photo radar enforcement system.

Existing law authorizes the equipping, by governmental agencies, in cooperation with law enforcement agencies, of automated enforcement systems, as defined, provides a special procedure in connection with certain alleged violations recorded by an automated enforcement system, and limits the availability of photographic records to the purposes of the law.

This bill would permit a similar enforcement system, a mobile photo radar enforcement system, allowing a county or city in cooperation with a local law enforcement agency, to operate that system if its operation includes specific activities and is used only for purposes of enforcing certain speed laws.

This bill would provide that its provisions would only remain in effect until January 1, 2008, and as of that date would be repealed.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22368 is added to the Vehicle Code, to
2 read:

1 22368. (a) A mobile photo radar enforcement system may be
2 utilized by a local authority for speed enforcement if the local
3 authority complies with all of the following requirements:

4 (1) Identifies the system by signs that clearly indicate the
5 system's presence and are visible to traffic entering the street on
6 which the mobile system is utilized.

7 (2) Identifies the vehicle containing the mobile photo radar
8 equipment.

9 (3) Utilizes the system for speed enforcement only on streets
10 within residential districts.

11 (b) Prior to issuing citations under this section, a local
12 authority utilizing a mobile photo radar traffic enforcement
13 system shall commence a program to issue only warning notices
14 for 30 days. The local authority shall also make a public
15 announcement of the system at least 30 days prior to the
16 commencement of the enforcement program.

17 (c) Only a local authority, in cooperation with a law
18 enforcement agency, may operate a photo radar enforcement
19 system. As used in this subdivision, "operate" includes all of the
20 following activities:

21 (1) Developing uniform guidelines for screening and issuing
22 violations and for the processing and storage of confidential
23 information, and establishing procedures to ensure compliance
24 with those guidelines.

25 (2) Performing administrative functions and day-to-day
26 functions, including, but not limited to, all of the following:

27 (A) Establishing guidelines for selection of a location where
28 the system will be utilized.

29 (B) Ensuring that the equipment is regularly inspected.

30 (C) Certifying that the equipment is properly installed and
31 calibrated, and is operating properly.

32 (D) Regularly inspecting and maintaining warning signs
33 placed pursuant to paragraph (1) of subdivision (a).

34 (E) Maintaining controls necessary to ensure that only those
35 citations that have been reviewed and approved by law
36 enforcement are delivered to violators.

37 (d) The activities listed in subdivision (c) that relate to the
38 operation of the system maybe contracted out by the local
39 authority, if it maintains overall control and supervision of the
40 system. However, the activities listed in paragraph (1) of, and

1 subparagraphs (A), (D), and (E) of paragraph (2) of, subdivision
2 (c) shall not be contracted out to the manufacturer or supplier of
3 the mobile photo radar enforcement system.

4 (e) (1) Notwithstanding Section 6253 of the Government
5 Code, or any other provision of law, photographic records made
6 by a mobile photo radar enforcement system shall be
7 confidential, and shall be made available only to governmental
8 agencies and law enforcement agencies and only for the purposes
9 of enforcing this article.

10 (2) Confidential information obtained from the Department of
11 Motor Vehicles for the administration or enforcement of this
12 article shall be held confidential and shall not be used for any
13 other purpose.

14 (3) Except for court records described in Section 68152 of the
15 Government Code, the confidential records and information
16 described in paragraphs (1) and (2) may be retained for up to six
17 months from the date the information was first obtained, or until
18 final disposition of the citation, whichever date is later, after that
19 time the information shall be destroyed in a manner that will
20 preserve the confidentiality of a person included in the record or
21 information.

22 (f) Notwithstanding subdivision (d), the registered owner or an
23 individual identified by the registered owner as the driver of the
24 vehicle at the time of the alleged violation shall be permitted to
25 review the photographic evidence of the alleged violation.

26 (g) A contract between a local authority and a manufacturer or
27 supplier of mobile photo radar enforcement equipment shall not
28 include provision for the payment or compensation to the
29 manufacturer or supplier based on the number of citations
30 generated, or as a percentage of the revenue generated, as a result
31 of the use of the equipment authorized under this section.

32 (h) This section shall remain in effect only until January 1,
33 2008, and as of that date is repealed, unless a later enacted
34 statute, that is enacted before January 1, 2008, deletes or extends
35 that date.